

By: Ellis

S.B. No. 1611

Substitute the following for S.B. No. 1611:

By: Harper-Brown

C.S.S.B. No. 1611

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the determination and clarification of certain dates,
3 deadlines, and procedures under the Election Code.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1.006, Election Code, is amended to read
6 as follows:

7 Sec. 1.006. EFFECT OF WEEKEND OR HOLIDAY. (a) If the last
8 day for performance of an act is a Saturday, Sunday, or legal state
9 or national holiday, the act is timely if performed on the next
10 regular business day, except as otherwise provided by this code.

11 (b) If the last day for performance of an act is extended
12 under Subsection (a), the extended date is used to determine any
13 other dates and deadlines, and the dates or times of any related
14 procedures, that are expressly required to be made on a date or at a
15 time determined in relation to the last day for performance of the
16 act.

17 (c) A declaration of ineligibility of a candidate is
18 considered to be the performance of an act under this section for
19 purposes of causing the candidate's name to be omitted from the
20 ballot.

21 (d) The filing of a document, including a withdrawal request
22 or resignation, is considered to be the performance of an act under
23 this section for purposes of creating a vacancy to be filled at a
24 subsequent election.

1 (e) The death of a person is not considered to be the
2 performance of an act under this section.

3 SECTION 2. Sections 41.001(a) and (b), Election Code, are
4 amended to read as follows:

5 (a) Except as otherwise provided by this subchapter, each
6 general or special election in this state shall be held on one of
7 the following dates:

8 (1) ~~[the first Saturday in February;~~
9 [~~(2)~~] the third [~~first~~] Saturday in May;
10 [~~(3) the second Saturday in September;~~] or
11 (2) [~~(4)~~] the first Tuesday after the first Monday in
12 November.

13 (b) Subsection (a) does not apply to:

14 (1) a runoff election;
15 (2) ~~[an election for the issuance or assumption of~~
16 ~~bonds for any purpose authorized by law relating to public schools~~
17 ~~or colleges or the levy of a tax for the maintenance of a public~~
18 ~~school or college, if the governing body of the political~~
19 ~~subdivision having jurisdiction of the public school or college~~
20 ~~issuing or assuming the bonds or levying the tax:~~

21 ~~[(A) by resolution, order, or ordinance, finds~~
22 ~~that holding the election on a date other than a uniform election~~
23 ~~date is in the public interest, which finding is conclusive and~~
24 ~~incontestable, and~~

25 ~~[(B) the election is the only election of the~~
26 ~~type described by this subdivision held by that political~~
27 ~~subdivision on a date other than a uniform election date during the~~

1 ~~state fiscal biennium;~~

2 ~~(3)~~ an election to resolve a tie vote;

3 (3) ~~(4)~~ an election held under an order of a court or
4 other tribunal;

5 (4) ~~(5)~~ an emergency election ordered under Section
6 41.0011;

7 (5) ~~(6)~~ an expedited election to fill a vacancy in
8 the legislature held under Section 203.013; or

9 (6) ~~(7)~~ an election held under a statute that
10 expressly provides that the requirement of Subsection (a) does not
11 apply to the election.

12 SECTION 3. Section 41.001(e), Election Code, is amended to
13 read as follows:

14 (e) In addition to a date prescribed by Subsection (a), an
15 ~~[An]~~ election for an office in which a majority vote is required and
16 that is [may not be held on the September or February uniform
17 ~~election date. This subsection does not apply to an election]~~
18 conducted under Section 26.045, Local Government Code, may be held
19 on the first Saturday in February or the second Saturday in
20 September, which are considered to be dates that comply with
21 Subsection (a) and Section 26.045, Local Government Code.

22 SECTION 4. Section 41.0052(a), Election Code, is amended to
23 read as follows:

24 (a) The governing body of a political subdivision other than
25 a county may, not later than December 31, 2003 ~~[1999]~~, change the
26 date on which it holds its general election for officers to another
27 authorized uniform election date. An election on the new date may

1 not be held before 2004 [~~2000~~].

2 SECTION 5. Section 67.003, Election Code, is amended to
3 read as follows:

4 Sec. 67.003. TIME FOR LOCAL CANVASS. Each local canvassing
5 authority shall convene to conduct the local canvass at the time set
6 by the canvassing authority's presiding officer:

7 (1) on the seventh day after election day for:

8 (A) the general election for state and county
9 officers; or

10 (B) an election of a political subdivision that
11 is held jointly with an election of:

12 (i) a county; or

13 (ii) one or more other political
14 subdivisions under an election services contract with the county
15 election officer; or

16 (2) not earlier than the third day or later than the
17 sixth day after election day for an election other than an [~~the~~
18 ~~general~~] election described by Subdivision (1) [~~for state and~~
19 ~~county officers~~].

20 SECTION 6. Section 86.007(d), Election Code, is amended to
21 read as follows:

22 (d) A marked ballot voted by mail that arrives after the
23 time prescribed by Subsection (a) shall be counted if:

24 (1) the ballot was cast from an address outside the
25 United States;

26 (2) the carrier envelope was placed for delivery
27 before the time the ballot is required to arrive under Subsection

1 (a); and

2 (3) the ballot arrives at the address on the carrier
3 envelope not later than:

4 (A) the fifth day after the date of:

5 (i) the general election for state and
6 county officers; or

7 (ii) an election of a political subdivision
8 that is held jointly with an election of:

9 (a) a county; or

10 (b) one or more political
11 subdivisions under an election services contract with the county
12 election officer; or

13 (B) the second day after the date of an election
14 other than an ~~[the general]~~ election described by Paragraph (A)
15 ~~[for state and county officers]~~.

16 SECTION 7. Section 87.125(a), Election Code, is amended to
17 read as follows:

18 (a) The early voting ballot board shall convene to count
19 ballots voted by mail described by Section 86.007(d) at the time set
20 by the presiding judge of the board ~~[on]~~:

21 (1) on the sixth day after the date of:

22 (A) the ~~[a]~~ general election for state and county
23 officers; or

24 (B) an election of a political subdivision that
25 is held jointly with an election of:

26 (i) a county; or

27 (ii) one or more political subdivisions

1 under an election services contract with the county election
2 officer;

3 (2) on the second [~~fifth~~] day after the date of a
4 primary [~~or special~~] election, at a time following the last mail
5 delivery, or on an earlier day or at an earlier time if the early
6 voting clerk certifies that all ballots mailed from outside the
7 United States have been received; or

8 (3) not earlier than the third day or later than the
9 fifth day after the date of an election other than an election
10 described by Subdivision (1) or (2).

11 SECTION 8. Section 143.005(a), Election Code, is amended to
12 read as follows:

13 (a) A city charter may prescribe requirements in connection
14 with a candidate's application for a place on the ballot for an
15 office of a home-rule city. This section does not authorize a city
16 charter requirement in connection with the timely filing of an
17 application, and any charter requirement related to an
18 application's timely filing is superseded by Section 143.007 and
19 other applicable filing provisions prescribed by this code.

20 SECTION 9. Section 172.029(c), Election Code, is amended to
21 read as follows:

22 (c) Not later than the fifth [~~10th~~] day after the date of the
23 regular filing deadline for candidates' applications, the state
24 chair shall deliver the chair's list to the secretary of state, and
25 each county chair shall deliver a copy of the chair's list to the
26 county clerk, the state chair, and the secretary of state.

27 SECTION 10. Section 41.253(b), Education Code, is amended

1 to read as follows:

2 (b) The transitional board of trustees shall divide the
3 consolidated district into nine single-member trustee districts in
4 accordance with the procedures provided by Section 11.052. The
5 transitional board shall order an election for the initial board of
6 trustees to be held on the first May [~~February~~] uniform election
7 date after the effective date of a consolidation order.

8 SECTION 11. Section 49.103(b), Water Code, is amended to
9 read as follows:

10 (b) An election shall be held on the uniform election date,
11 established by the Election Code, in [~~either February or~~] May of
12 each even-numbered year to elect the appropriate number of
13 directors.

14 SECTION 12. Section 56.804(a), Water Code, is amended to
15 read as follows:

16 (a) The election shall be held on a uniform election day in
17 [~~February or~~] May.

18 SECTION 13. Section 41.001(d), Election Code, is repealed.

19 SECTION 14. Not later than December 31, 2003, a political
20 subdivision that before October 1, 2003, held its general election
21 for officers on the February or September uniform election date or
22 on the first Saturday in May shall change the election date as
23 permitted by Section 41.0052, Election Code, as amended by this
24 Act, to a date authorized by Section 41.001, Election Code, as
25 amended by this Act.

26 SECTION 15. (a) Except as provided by Subsections (b) and
27 (c) of this section, this Act takes effect September 1, 2003.

1 (b) This section and Sections 1 and 8 of this Act take effect
2 immediately if this Act receives a vote of two-thirds of all the
3 members elected to each house, as provided by Section 39, Article
4 III, Texas Constitution. If this Act does not receive the vote
5 necessary for immediate effect, this section and Sections 1 and 8 of
6 this Act take effect September 1, 2003.

7 (c) Sections 2, 3, 4, 10, 11, 12, and 13 of this Act take
8 effect October 1, 2003, and apply only to an election ordered on or
9 after that date.